

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-CV-405-FDW-DCK

UNITED STATES OF AMERICA AND
THE STATE OF NORTH CAROLINA *ex*
rel. HEATHER COLEMAN,

Plaintiffs,

v.

FAMILY FIRST HOME HEALTH CARE
LLC, and MARION JAMES,

Defendants.

ORDER

The United States and State of North Carolina, having intervened in part of this action and having declined to intervene in part of this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), and the North Carolina False Claims Act, N.C.G.S. §§ 1-608(b)(2) and (4), the Court rules as follows:

IT IS ORDERED that,

1. The Relator's Complaint and Amended Complaint, the Governments' Joint Notice of Election to Intervene in Part and to Decline to Intervene in Part, and this Order be unsealed;
2. the Governments shall file their joint complaint within 60 days, and serve the joint complaint, together with this Order, pursuant to the Federal Rules of Civil Procedure;
3. the Relator shall serve her Complaint upon Defendants within 60 days;
4. all other papers or Orders on file in this matter shall remain under seal;
5. the seal be lifted on all other matters occurring in this action after the date of this Order;

6. as to the part of the action in which the Governments have declined to intervene, the parties shall serve all pleadings and motions filed in that part of the action, including supporting memoranda, upon the Governments, as provided for in 31 U.S.C. § 3730(c)(3) and N.C. Gen. Stat. § 1-609(f). The Governments may order any deposition transcripts and are entitled to intervene in that part of the action, for good cause, at any time;

7. all orders of this Court shall be sent to the Governments; and that

8. should the Relator or Defendant(s) propose that the part of the action in which the Governments have declined to intervene be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the Governments before ruling or granting its approval.

IT IS SO ORDERED,

This ____ day of _____, 2022.

United States District Judge